

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Atty Dkt. 723-1421

SHIMOMURA, M. et al.

C# M#

Serial No. 10/645,670

TC/A.U.

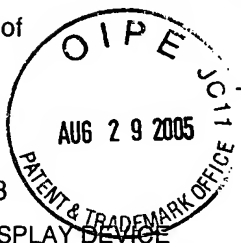
2818

Filed: August 22, 2003

Examiner: Tran, L.

Date: August 29, 2005

Title: SWING-TYPE DISPLAY DEVICE



Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

ELECTION/RESPONSE

This is a response/amendment/letter in the above-identified application and includes an attachment which is hereby incorporated by reference and the signature below serves as the signature to the attachment in the absence of any other signature thereon.

☐ **Correspondence Address Indication Form Attached.****Fees are attached as calculated below:**

Total effective claims after amendment 0 minus highest number
previously paid for 20 (at least 20) = 0 x \$50.00 \$0.00 (1202)/\$0.00 (2202) \$

Independent claims after amendment 0 minus highest number
previously paid for 3 (at least 3) = 0 x \$200.00 \$0.00 (1201)/\$0.00 (2201) \$

If proper multiple dependent claims now added for first time, (ignore improper); add
\$360.00 (1051)/\$180.00 (2051) \$

Petition is hereby made to extend the current due date so as to cover the filing date of this
paper and attachment(s)

One Month Extension \$120.00 (1251)/\$60.00 (2251)
Two Month Extensions \$450.00 (1252)/\$225.00 (2252)
Three Month Extensions \$1020.00 (1253)/\$510.00 (2253)
Four Month Extensions \$1590.00 (1254)/\$795.00 (2254) \$

Terminal disclaimer enclosed, add \$130.00 (1814)/\$65.00 (2814) \$

☐ Applicant claims "small entity" status. ☐ Statement filed herewith

Rule 56 Information Disclosure Statement Filing Fee \$180.00 (1806) \$

Assignment Recording Fee \$40.00 (8021) \$

Other: \$

TOTAL FEE ENCLOSED \$ 0.00

The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140. A duplicate copy of this sheet is attached.

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NIXON & VANDERHYE P.C.
By Atty: Raymond Y. Mah, Reg. No. 41,426

Signature: 



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Atty. Ref.: 723-1421; Confirmation No. 8405

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* * * * *

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Sir:

ELECTION/RESPONSE

In response to the Election/Restriction Requirement mailed August 3, 2005,
Applicant provisionally elects Group I (claims 1-18 and 27-34) with traverse.

The Election/Restriction Requirement restricts examination to one of the
following inventions: Group I (claims 1-18 and 27-34) or Group II (claims 19-26).

Section 6 of the Office Action alleges that restriction to one of the inventions
(Group I or Group II) is proper because "In the instant case the product as claimed in
claim 1 of group I can be used without the optical guide as claimed in claim 21 of group
II." Applicant respectfully submits that this restriction requirement is improper. First,
even if it is true that the product as claimed in Group I can be used without the optical

August 29, 2005

guide as compared with independent claim 21 of Group II (as apparently alleged by the Office Action), these comments certainly do **not** apply to independent claim 19 (also of Group II) since independent claim 19 and its dependents do not explicitly require an optical guide. Indeed, the Office Action does not even make such an allegation.

Moreover, claim 4 of Group I requires an optical guide. Accordingly, examination of claims in Group I will still entail examination relating to an optical guide. At the very least, claim 4 links one or more of the claims required by Groups I and II.

Accordingly, Applicant submits that the restriction requirement is improper and that examination of all pending claims (claims 1-34) is in order.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: 

Raymond Y. Mah
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